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JAN 28 1998

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

In the Matter of )  
)  
Petition of Fort Mojave )  
Telecommunications, Inc., Gila )  
River Telecommunications, Inc., )  
San Carlos Apache Telecommunications )  
Utility, Inc., and Tohono O'odham )  
Utility Authority )  
)  
for Designation as )  
Eligible Telecommunications )  
Carriers Under the )  
Telecommunications Act of 1996 )

Docket No.

96-45

To: Chief, Common Carrier Bureau

**Supplement to Petition for Designation as  
Eligible Telecommunications Carriers  
Pursuant to Section 214(e)(6) of the  
Communications Act, FCC 97-419**

**FORT MOJAVE TELECOMMUNICATIONS, INC.  
GILA RIVER TELECOMMUNICATIONS, INC.  
SAN CARLOS APACHE TELECOMMUNICATIONS UTILITY,  
INC.  
TOHONO O'ODHAM UTILITY AUTHORITY**

Stephen G. Kraskin  
Sylvia Lesse  
Marci E. Greenstein

Kraskin, Lesse & Cosson, LLP  
2120 L Street, N.W., Suite 520  
Washington, D.C. 20037

(202) 296-8890

January 28, 1998

**Supplement to Petition for Designation as  
Eligible Telecommunications Carriers of  
Fort Mojave Telecommunications, Inc.,  
Gila River Telecommunications, Inc.,  
San Carlos Apache Telecommunications Utility, Inc. and  
Tohono O'odham Utility Authority**

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Gila River Telecommunications, Inc.	
San Carlos Apache Telecommunications Utility, Inc.	
Tohono O'odham Utility Authority	
<b>Petition for Designation as Eligible Telecommunications Carriers (filed December 18, 1997)</b>	

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Docket No. \_\_\_\_\_

To: Chief, Common Carrier Bureau

**Supplement to Petition for Designation as**  
**Eligible Telecommunications Carriers**

Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., San Carlos Apache Utility Telecommunications, Inc.<sup>1</sup> and Tohono O'odham Utility Authority ("Companies" or "Petitioners"), pursuant to the Commission's Public Notice released December 29, 1997 (FCC 95-419) (the "Public Notice") hereby supplement their Petition for Designation as Eligible Telecommunications Carriers ("Petition") filed herein on December 18, 1997.

As demonstrated in the Petition, the Companies are not subject the jurisdiction of a state commission. The Companies, having demonstrated in a timely manner their eligibility for designation as Eligible Telecommunications Carriers through the Petition, specifically

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<sup>1</sup> San Carlos Apache Telecommunications Utility, Inc. was mistakenly referred to in the original petition as "San Carlos Telecommunications, Inc."

request that the requested designation be effective retroactively, as of January 1, 1998, to ensure the uninterrupted and continued availability of universal service funding.

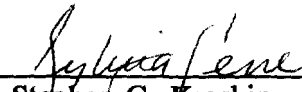
As directed by the Public Notice, the Companies attach hereto certifications that each Petitioner complies with Section 5301 of the Anti-Drug Abuse Act of 1988. In addition, and in compliance with the procedural requirements established by the Public Notice, the Parties attach a copy of the Petition, together with a table of contents, and provide an electronic copy of both the Petition and this Supplement via diskette.

Having demonstrated compliance with the conditions necessary for designation as ETCs, and having shown that the public interest will be served, the Companies respectfully reiterate their request that the Commission designate each Petitioner as the ETC in its respective incumbent LEC service area.

Respectfully submitted,

**FORT MOJAVE TELECOMMUNICATIONS, INC.  
GILA RIVER TELECOMMUNICATIONS, INC.  
SAN CARLOS APACHE TELECOMMUNICATIONS  
UTILITY, INC.  
TOHONO O'ODHAM UTILITY AUTHORITY**

By:



Stephen G. Kraskin

Sylvia Lesse

Marci E. Greenstein

Their Attorneys

Kraskin, Lesse & Cosson, LLP  
2120 L Street, N.W., Suite 520  
Washington, D.C. 20037  
(202) 296-8890

January 28, 1998

**FORT MOJAVE TELECOMMUNICATIONS, INC.**

The Officers and Directors of Fort Mojave Telecommunications, Inc. are as follows:

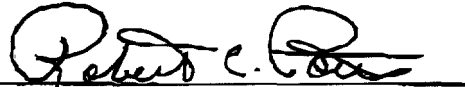
Kenneth Doughty, President  
Llewellyn Barrackman, Chairman of the Board  
Nora Helton, Secretary/Treasurer  
Russell Dobson, Director  
Archie Knox, Director  
Kelly Hills, Director  
Alex Holmes, Director

Fort Mojave Telecommunications, Inc. is wholly-owned by the Fort Mojave Indian Tribe (the "Tribe"). The Tribe is governed by the Tribal Council, constituted as follows:

Nora Helton, Chairperson  
Llewellyn Barrackman Vice-Chairman  
Melba Guerrero, Secretary  
Leland McCord, Council Member  
Drusilla Ward, Council Member  
Gayle Jenkins, Council Member  
Iris Scerato, Council Member

**ANTI-DRUG ABUSE ACT CERTIFICATION**

Fort Mojave Telecommunications, Inc. certifies that, to the best of its knowledge, information and belief, neither it nor any party to this application has been convicted of drug possession or trafficking, such that Applicant is subject to a denial of federal radio licenses under Section 5301 of the Anti-Drug Abuse Act of 1988.



Robert C. Potts  
General Manager

## **GILA RIVER TELECOMMUNICATIONS, INC.**

The Officers and Directors of Gila River Telecommunications, Inc. are as follows:

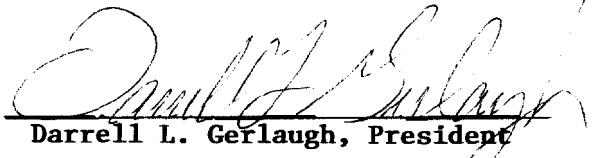
Darrell Gerlaugh	Director, President
Robert N. Porter	Chairman of the Board
Joseph Manuel	Director, Secretary
Douglas Torres	Director, Treasurer
Ardekk Ruiz	Director

Gila River Telecommunications, Inc. is wholly-owned by the Gila River Indian Community (the "Community"). The Community is governed by the Tribal Council, constituted as follows:

Mary Thomas, Tribal Governor	Carlton Terry, Council Member
Cecil Antone, Tribal Lt. Governor	Harrington Luna, Council Member
Alida Thomas, Tribal Treasurer	John Flores, Council Member
Doreen Allen, Tribal Secretary	Wilbert Jackson, Council Member
Lester Antone, Council Member	Leonard Enos, Council Member
Harry A. Cruye, Jr., Council Member	Edward Stone, Council Member
Kenton Manuel, Council Member	Wayne Delowe, Council Member
Christina Morago, Council Member	Lawrence Enos, Council Member
Clarence Baptisto, Council Member	Tony Shelde, Council Member
Malcom Eschief, Council Member	Philbert Soroquisara, Council Member
Kenneth Lewis, Council Member	

### **ANTI-DRUG ABUSE ACT CERTIFICATION**

Gila River Telecommunications, Inc. certifies that, to the best of its knowledge, information and belief, neither it nor any party to this application has been convicted of drug possession or trafficking, such that Applicant is subject to a denial of federal radio licenses under Section 5301 of the Anti-Drug Abuse Act of 1988.

  
 Darrell L. Gerlaugh, President

**SAN CARLOS APACHE TELECOMMUNICATIONS UTILITY, INC.**

The Officers and Directors of San Carlos Apache Telecommunications Utility, Inc. are as follows:

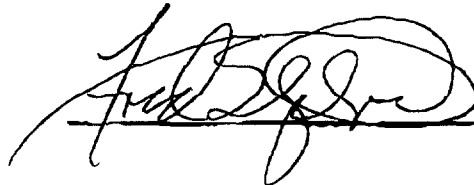
Vernon James, President  
Charles Russell, Secretary/Treasurer  
James McKandles, Director  
Gary Kennedy, Director  
Don Tatman, Director

San Carlos Apache Telecommunications Utility, Inc. is wholly-owned by the San Carlos Apache Indian Community (the "Community"). The Community is governed by the Tribal Council, constituted as follows:

Raymond Stanley, Chairman  
Marvin Mull, Jr., Vice Chairman  
Ned Anderson, Council Representative  
Rose Marie Rope, Council Representative  
Harrison Talgo, Council Representative  
Rhyne Dosela, Council Representative  
William Belvado, Council Representative  
Lambert Noline, Council Representative  
Eugene Duncan, Council Representative  
Leo Natsyn, Council Representative  
Rupert Alden, Council Representative

**ANTI-DRUG ABUSE ACT CERTIFICATION**

San Carlos Apache Telecommunications Utility, Inc. certifies that, to the best of its knowledge, information and belief, neither it nor any party to this application has been convicted of drug possession or trafficking, such that Applicant is subject to a denial of federal radio licenses under Section 5301 of the Anti-Drug Abuse Act of 1988.



## TOHONO O'ODHAM UTILITY AUTHORITY

The officers and directors of the Tohono O'odham Utility Authority are as follows:

Lyle L. Donovan	Chairman
Virgil Lewis	Director, Secretary
Harriet Toro	Director, Treasurer
George M. Esquivel	Director
Lester S. Ormsby	Director
Alfred R. Williamson	Director

The Tohono O'odham Utility Authority is a subsidiary organization of the Tohono O'odham Nation, an Indian tribe organized under federal law. The Nation is governed by a Legislative Council, constituted as follows:

Dennis Ramon, Legislative Chairman	
Albert Manuel Jr., Legislative Vice Chairman	
Julianna Saraficio, Acting Legislative Secretary	
Frances G. Antone	John Reno
Frances Miguel	Tony Burrell
Kenneth Williams	Ambrose J. Encinas
David Garcia	Louis L. Johnson
Alex J. Ramon	Jospeh Juan
Gloria Montana	Evelyn N. Juan
Fern Salcido	Dennis Jose
Lloyd Francisco	Mary Ann Antone
Alex Jose	Rita Martinez
Johnson Jose	Babara Salvicio

## ANTI-DRUG ABUSE ACT CERTIFICATION

The Tohono O'odham Utility Authority certifies that, to the best of its knowledge, information and belief, neither it nor any party to this application has been convicted of drug possession or trafficking, such that Applicant is subject to a denial of federal radio licenses under Section 5301 of the Anti-Drug Abuse Act of 1988.





Before the  
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Docket No. \_\_\_\_\_

To: The Commission

**Petition for Designation as  
Eligible Telecommunications Carriers**

**FORT MOJAVE TELECOMMUNICATIONS, INC.  
GILA RIVER TELECOMMUNICATIONS, INC.  
SAN CARLOS TELECOMMUNICATIONS, INC.  
TOHONO O'ODHAM UTILITY AUTHORITY**

Stephen G. Kraskin  
Sylvia Lesse  
Marci E. Greenstein

Kraskin & Lesse, LLP  
2120 L Street, N.W., Suite 520  
Washington, D.C. 20037

(202) 296-8890

December 18, 1997

**Petition for Designation as  
Eligible Telecommunications Carriers of  
Fort Mojave Telecommunications, Inc.,  
Gila River Telecommunications, Inc.,  
San Carlos Telecommunications, Inc. and  
Tohono O'odham Utility Authority**

**(filed December 18, 1997)**

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**Attachments**

**Attachment A: NECA Study Area Designation**

**Attachment B: Declarations and Resolutions of**

**Fort Mojave Telecommunications, Inc.  
Gila River Telecommunications, Inc.  
San Carlos Telecommunications, Inc.  
Tohono O'odham Utility Authority**

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To: The Commission

**Petition for Designation as  
Eligible Telecommunications Carriers**

Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., San Carlos Telecommunications, Inc. and Tohono O'odham Utility Authority ("Companies" or "Petitioners"),<sup>1</sup> pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended,<sup>2</sup> and Sections 54.201-207 of the Rules<sup>3</sup> of the Federal Communications

---

<sup>1</sup> The Companies are local exchange companies ("LECs") each of which holds a certificate of public convenience and necessity issued by their respective tribal authorities. Each of the Companies is considered a "rural telephone company" under the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. (1996) (the "1996 Act").

<sup>2</sup> See 47 U.S.C. § 214(e) ("Provision of Universal Service"); as amended (Pub. L. No. 105-125 (1997)).

<sup>3</sup> 47 C.F.R. §§ 54.201-207.

Commission ("FCC" or "Commission"), respectfully petition the FCC to confirm or designate each of the Companies as the Eligible Telecommunications Carrier ("ETC") within their respective incumbent LEC service area.

Each of the four Petitioners is subject to the jurisdiction of the governing body of a distinct federally-recognized Indian tribe. These four governing bodies regulate the provision of telecommunications services within the respective tribal lands within the state of Arizona; the Arizona Corporation Commission does not assert jurisdiction over the Companies. Accordingly, each Petitioner is "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission." Pursuant to Section 214(e)(6), therefore, Petitioners seek the Commission's designation as an ETC.

Each of the Companies operates in a rural area and is eligible to receive cost recovery from interstate mechanisms established to foster universal service,<sup>4</sup> and the customers that each serves are the beneficiaries of the existing universal service cost recovery mechanisms. If the existing interstate universal service cost recovery sources were disrupted or abruptly terminated, the Companies (and the subscribers they serve) would face unnecessary disorder and shortfalls in their respective recovery of universal service costs, contrary to both Section 254 of the Communications Act of 1934, as amended, and the established Commission policies to promote universal service. As demonstrated herein, expeditious action in granting

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<sup>4</sup> San Carlos, which initiated service in August 1997, does not yet receive universal service funding because Section 36.611 of the Commission's Rules requires a full year's cost support data for determination of expense adjustments. The Commission has found San Carlos to be eligible for universal service funding. See Memorandum Opinion and Order, In the Matter of Petitions for Waivers Filed by San Carlos Apache Telecommunications Utility, Inc. and US WEST Communications, Inc., DA 96-1872, File No. AAD 96-52 (rel. Nov. 8, 1996).

this Petition will allow the Companies to continue to receive uninterrupted interstate cost recovery support while assuring that the subscribers they serve continue to receive the benefits of quality telecommunications services at reasonable rates. In support thereof, the Companies show the following:

**I. BACKGROUND.**

The FCC has adopted a number of cost recovery policies and mechanisms designed to promote and maintain universal service. These policies were established, in part, to promote network infrastructure investment in areas such as those served by the Companies that are characterized generally by higher cost to serve rural areas. In light of these policies, cost recovery mechanisms were also established in an effort to moderate the amount of cost to be recovered through basic, recurring charges to users, thereby assisting efforts to maintain reasonable basic rate levels. As a result of these policies and cost recovery mechanisms, the Companies have been able to invest in modern telecommunications networks and to provide quality telecommunications services at reasonable prices to their customers. Without these interstate policies and mechanisms, the Companies serving rural, higher cost tribal areas either would not have been capable of providing the advanced services that their respective subscribers enjoy today or would have been forced to provide services at much higher basic rates, or both.

In compliance with the 1996 Act, the FCC and the Federal-State Joint Board on universal service issues have been working to reformat these cost allocation and recovery mechanisms. Their efforts culminated in the FCC's May 8, 1997, decision on universal

service which adopted many of the Joint Board recommendations.<sup>5</sup> The Universal Service Order also prescribed a new set of universal service rules designed, in part, to yield approximately the same level of cost recovery for eligible LECs as that received today. Specifically, the existing high loop cost recovery support plan,<sup>6</sup> interstate cost recovery of central office switching equipment owned by smaller LECs,<sup>7</sup> and Long Term Support<sup>8</sup> have now been restated in the FCC's rules. Consistent with the requirements of the 1996 Act, the FCC has transferred to the new reconstituted universal service fund the cost recovery previously reflected through these interstate mechanisms. Beginning January 1, 1998, Petitioners, which currently receive cost recovery from these mechanisms will be qualified to receive such universal service support only if they are designated by the FCC as an ETC.<sup>9</sup>

## **II. THE PUBLIC INTEREST WILL BE SERVED BY CONFIRMING TRIBAL DESIGNATION OF THE COMPANIES AS ETCS WITHIN THEIR RESPECTIVE INCUMBENT SERVICE AREAS.**

Petitioners request that the Commission designate each of the Companies as the ETC

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<sup>5</sup> See generally In the Matter of Federal-State Joint Board on Universal Service, Report and Order, CC Docket No. 96-45, FCC 97-157, released May 8, 1997 ("Universal Service Order").

<sup>6</sup> See 47 C.F.R. Part 36, Subpart F - Universal Service Fund.

<sup>7</sup> See 47 C.F.R. §§ 36.125 and 54.301 (known as interstate "weighted dialed equipment minutes" or "weighted DEM").

<sup>8</sup> See 47 C.F.R. § 54.303. Long Term Support was designed to mitigate potential disparities in carrier common line access rates charged for smaller LECs.

<sup>9</sup> 47 C.F.R. § 54.201(a)(1). In addition, only ETCS designated under these rules will be allowed to receive cost recovery support (or net support against funding obligations) pursuant to the health care provisions of the 1996 Act and the FCC's rules. See 47 C.F.R. § 54.201(a)(2).

within its respective incumbent LEC service area.<sup>10</sup> Such action is consistent with both the 1996 Act and the public interest.

The Companies provide local exchange and exchange access services in predominantly rural areas of Arizona; these services are integral to the achievement of universally available telecommunications services in Arizona. The commitment of the Companies to the provision of reasonably priced services is well known. Moreover, within their respective incumbent LEC service areas, the Companies provide ubiquitous telecommunications services to all that request service, each serving as the "carrier of last resort" in its service area. Absent Commission action designating the Companies as ETCs, the continuation of uninterrupted interstate cost recovery support will end as of January 1, 1998. In the absence of expeditious action, the public policy goal of ensuring that the Companies' subscribers continue to receive the benefits of reasonable basic rates and quality telecommunications services will be placed in jeopardy. Accordingly, expeditious Commission action is required by the public interest in order to ensure that the current interstate universal service support and the resulting benefits from these cost recovery programs are maintained in the tribal territories.

Congress amended Section 214(e) of the 1996 Act by adding subsection 214(e)(6) for the express purpose of providing a means by which carriers not subject to state commission jurisdiction, and, specifically, carriers subject to sovereign tribal authority, may obtain ETC designation:

Under the current universal service provisions of the Communications Act,

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<sup>10</sup> Attachment A provides each Petitioner's study area designation.

only common carriers designated by the States are eligible to receive Federal universal service support. Unfortunately this policy ignores the fact that some common carriers providing service today are not subject to the jurisdiction of a State commission; most notably, some carriers owned or controlled by native Americans. Thus, many of these common carriers may lose Federal support on January 1, 1998, unless Congress takes action.

S. 1354 corrects this problem by permitting a common carrier that is not subject to State authority to be designated by the Federal Communications Commission as eligible to receive Federal universal service support. S. 1354 will apply to only a limited number of carriers, but to these carriers' customers, its impact will be significant.<sup>11</sup>

The legislative history of the amendment clearly demonstrates that the legislation was intended to address directly Petitioners' circumstances to enable their continued participation in the cost recovery mechanisms that foster affordable telecommunications service in high cost areas.

The FCC recognizes the sovereign authority of tribal councils, and has exhibited "a proper respect both for tribal sovereignty itself and for the plenary authority of Congress." In the Matter of AB Fillins, Petition for Declaratory Ruling, Memorandum Opinion and Order at para. 18 (rel. Aug. 1, 1997)(citation omitted). Pursuant to their respective tribal constitutions, the tribal councils have authorized operation of the telecommunications carriers that are the subject of this petition, having granted to each Certificates of Convenience and Necessity to provide telecommunications services. Each Company affirms that it meets the requirements for ETC designation.<sup>12</sup>

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<sup>11</sup> Rep. Bliley, Nov. 13, 1997, H10807.

<sup>12</sup> See Resolutions and Declarations provided as Attachment B.



### **III. THE COMPANIES QUALIFY FOR ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION**

#### **A. The Companies Meet ETC Requirements**

As demonstrated below, each Company satisfies the requirements (or qualifies for waiver or an extension of time pursuant to FCC rules) for ETC designation. Accordingly, the public interest would be promoted by grant of ETC status to each Petitioner. Under applicable federal rules, an ETC must offer the following services:

- 1) voice grade access to the public switched network;
- 2) access to free of charge "local usage" defined as an amount of minutes of use of exchange service;
- 3) dual tone multi-frequency signaling or its functional equivalent;
- 4) single-party service or its functional equivalent;
- 5) access to emergency services;
- 6) access to operator services;
- 7) access to interexchange service;
- 8) access to directory assistance; and
- 9) toll limitation services for qualifying low-income consumers.<sup>13</sup>

Qualified ETCs must offer these services either using their own facilities or a combination of their own facilities and the resale of services of another facilities based carrier.<sup>14</sup> An ETC must also advertise the availability of, and the prevailing prices for, the list of universal

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<sup>13</sup> 47 C.F.R. § 54.101(a)(1).

<sup>14</sup> 47 C.F.R. § 54.201(d)(1).

services throughout the area in which it is designated as an ETC.<sup>15</sup>

Each Petitioner provides voice grade local exchange and interexchange access services utilizing its respective facilities-based network. Each Petitioner offers single-party touch-tone service, access to operator services and directory assistance, and access to local usage free of usage charges. In addition, the Companies currently utilize standard subscriber notification and public notice procedures, and will advertise the availability and cost of universal service elements. The Companies submit that the advertising requirement is therefore satisfied because the combination of customer notification, marketing and advertising are consistent with the advertising requirement.

B. Exceptional Circumstances Warrant the Grant of Extensions of Time for Limited Purposes

Each Company offers 911 or enhanced 911 ("E911") and toll limitation services, except as discussed below. With respect to these exceptions, the Commission has recognized that it is appropriate to grant LECs additional time to provide these supported services under certain circumstances.<sup>16</sup>

The requirement that ETCs offer access to 911 or E911 applies only "to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911

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<sup>15</sup> See 47 C.F.R. § 54.201(d)(2).

<sup>16</sup> Where "exceptional circumstances" exist, the Commission's rules provide that State commissions may grant an extension of time to enable a LEC "to complete the network upgrades needed to provide single party, access to enhanced 911 service, or toll limitation" for the time period "necessary for that eligible telecommunications carrier to complete network upgrades." 47 C.F.R. § 54.101(c). The Companies submit that the Commission also has the discretion to allow additional time to effect network upgrades.

systems."<sup>17</sup> San Carlos does not provide "911" services because the area served by San Carlos currently has no Public Safety Answering Point ("PSAP"), although access to emergency services is available through seven-digit dialing. Under the rules, therefore, there is no current obligation of San Carlos to offer 911 service as a condition for ETC qualification.

The Companies are not aware that any LEC in the nation is capable of providing both elements of toll limitation, as the FCC has defined this term.<sup>18</sup> Although the majority of the Companies offer toll blocking,<sup>19</sup> "toll control" would require the capability to record and rate every call of every long distance carrier instantaneously to ensure that the maximum specified toll charge is not exceeded. Most interexchange carriers no longer seek billing and collection services from the LECs, and the Companies are not aware of any LEC that can rate calls instantaneously for all interexchange carriers. Accordingly, the Companies seek an extension of time to accommodate this requirement, to the extent required.<sup>20</sup>

The limited extensions of time within which to accomplish necessary network

---

<sup>17</sup> 47 C.F.R. § 54.101(a)(5).

<sup>18</sup> The FCC defines toll limitation as "both toll blocking and toll control." 47 C.F.R. § 54.400(a)(4). Toll blocking is "a service provided by carriers that lets consumers elect not to allow the completion of outgoing toll calls from their telecommunications channel." 47 C.F.R. § 54.400(a)(2). Toll control is defined as "a service provided by carriers that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle." 47 C.F.R. § 54.400(a)(3).

<sup>19</sup> San Carlos, which today provides telephone service through a step office, currently cannot offer toll blocking. San Carlos anticipates, however, that it will have digital switching capability by mid-1998. Accordingly, San Carlos seeks an extension of time within which to effect the network upgrades necessary to offer toll blocking services.

<sup>20</sup> The Companies are aware that this issue has been brought to the attention of the Commission in the form of requests for clarification or reconsideration.

upgrades for the limited instances described above are warranted under the circumstances. The Companies meet all other requirements for ETC designation. Accordingly, the Companies respectfully submit that grant of these limited requests serves the public interest by ensuring that resources are committed to the provision of universal service.

**IV. CONCLUSION.**

Having demonstrated that the Companies satisfy the conditions necessary for designation as ETCs, and having shown good cause why the public interest will be served, the Companies respectfully request that the Commission designate each Petitioner as the ETC in its respective incumbent LEC service area.

Respectfully submitted,

**FORT MOJAVE TELECOMMUNICATIONS, INC.  
GILA RIVER TELECOMMUNICATIONS, INC.  
SAN CARLOS TELECOMMUNICATIONS, INC.  
TOHONO O'ODHAM UTILITY AUTHORITY**

By: 

Stephen G. Kraskin  
Sylvia Lesse

Marci E. Greenstein

Their Attorneys

Kraskin & Lesse, LLP  
2120 L Street, N.W., Suite 520  
Washington, D.C. 20037  
(202) 296-8890

December 18, 1997

**ATTACHMENT A**

**NECA STUDY AREA DESIGNATION**

<b>FORT MOJAVE TELECOMMUNICATIONS, INC.</b>	<b>452200</b>
<b>GILA RIVER TELECOMMUNICATIONS, INC.</b>	<b>452179</b>
<b>SAN CARLOS TELECOMMUNICATIONS, INC.</b>	<b>452169</b>
<b>TOHONO O'ODHAM UTILITY AUTHORITY</b>	<b>452173</b>

**ATTACHMENT B**

**DECLARATIONS AND RESOLUTIONS**

Resolution No. 97-85

## RESOLUTION

FORT MOJAVE TRIBE OF THE FORT MOJAVE RESERVATION  
OF ARIZONA, CALIFORNIA AND NEVADAA RESOLUTION DESIGNATING FORT MOJAVE TELECOMMUNICATIONS, INC. AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER

- WHEREAS, the Fort Mojave Tribe of Indians ("Tribe") is organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. § 476) and possesses attributes of sovereignty over both its members and its territory; and
- WHEREAS, in accordance with its Constitution and Bylaws, the Tribe is governed by its Tribal Council; and
- WHEREAS, the Tribe issued a Certificate of Convenience and Necessity ("Certificate") to Fort Mojave Telecommunications, Inc. ("FMTI") on October 10, 1988, which Certificate has been amended through the adoption of Resolution No. R-90-37, for the construction, operation and maintenance of a wire line telecommunications system within the Fort Mojave Indian Reservation ("Reservation"); and
- WHEREAS, Section 214(e) of the Telecommunications Act of 1996 and Sections 54.201-207 of the Rules of the Federal Communications Commission ("FCC") provide for the designation of "eligible telecommunications carriers" by the regulatory bodies having jurisdiction over these carriers for the purpose of directing the flow of federal Universal Service funding; and
- WHEREAS, the availability of Universal Service funding has encouraged the Tribe to invest in modern telecommunications networks so as to provide quality telecommunications services at reasonable prices to Reservation customers; and
- WHEREAS, the Reservation community will benefit from the continued and uninterrupted receipt of cost recovery from interstate mechanisms established to foster universal service, because the amount of cost to be recovered through basic, recurring charges to users will be minimized accordingly, thereby assisting efforts to maintain reasonable basic rate levels; and
- WHEREAS, the Tribal Council has found that FMTI has satisfied the requirement for advertising the availability of its services by utilizing standard subscriber notification, public notice and marketing procedures; and

WHEREAS, the Tribal Council has found that FMTI utilizes its own facilities-based network to provide (1) voice grade access to the public switched network; (2) access to free of charge "local usage" defined as an amount of minutes of use of exchange service; (3) dual tone multi-frequency signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; and (8) access to directory assistance; and

WHEREAS, the Tribal Council has found that FMTI provides toll blocking, but toll control is virtually unavailable within the United States because it requires instantaneous real time call rating, and accordingly, the Tribe desires to grant a suspension of this requirement, to the extent that such a suspension is required.

NOW, THEREFORE, BE IT RESOLVED, that the Fort Mojave Tribal Council hereby:

1. finds Fort Mojave Telecommunications, Inc. ("FMTI") to have satisfied the conditions necessary for designation as an Eligible Telecommunications Carrier; and
2. designates FMTI as an Eligible Telecommunications Carrier within its local exchange service area; and
3. finds that FMTI provides toll blocking, but toll control is virtually unavailable within the United States because it requires instantaneous real time call rating, and accordingly, grants a suspension of this requirement to the extent that such a suspension is required; and
4. authorizes its Chairperson and Secretary, on behalf of the Tribe, to execute any and all documents necessary to implement this Resolution; and
5. requests that the Board of Directors of FMTI take the necessary actions and execute the necessary documents to carry out the intent of this Resolution.

#### CERTIFICATION


We, the undersigned, as the Chairperson and Secretary of the Fort Mojave Tribal Council, governing body of the Fort Mojave Indian Tribe, do hereby certify that the Fort Mojave Council is composed



of seven (7) members of whom four (4) constituting a quorum were present at a meeting duly held on December 5, 1997, and that the foregoing resolution was adopted by the affirmative vote of 5-0-0 members.

FORT MOJAVE TRIBAL COUNCIL

  
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Nora Helton, Chairperson

  
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Melba Guerrero, Secretary